

An
Bord
Pleanála

Board Order
ABP-320098-24

Planning and Development Acts 2000 to 2022

Planning Authority: Galway County Council

Planning Register Reference Number: ED24/65

WHEREAS a question has arisen as to whether an extension to the rear of the dwelling at Clonghnakeava, Gort, County Galway is or is not development or is or is not exempted development:

AND WHEREAS Tommy O'Donnell care of Grealish Glynn and Associates of 1 The Punch Bowl, Ennis Road, Gort, County Galway requested a declaration on this question from Galway County Council and the Council issued a declaration on the 6th day of June, 2024 stating that the matter was development and was not exempted development:

AND WHEREAS Tommy O'Donnell care of Grealish Glynn and Associates of 1 The Punch Bowl, Ennis Road, Gort, County Galway referred this declaration for review to An Bord Pleanála on the 2nd day of July, 2024:

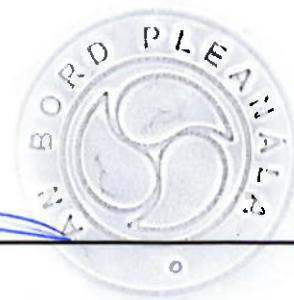
AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) Section 2(1), Section 3(1) and Section 4(1)(h) of the Planning and Development Act, 2000, as amended,
- (b) Article 6(1) and Article 9(1)(viii) of the Planning and Development Regulations, 2001, as amended,
- (c) Parts 1 of Schedule 2 to the Planning and Development Regulations, 2001, as amended,
- (d) the provisions of Galway County Development Plan 2022-2028,
- (e) the planning history of the site, and
- (f) the pattern of development in the area:

AND WHEREAS An Bord Pleanála has concluded that -

- (a) the works to be carried out to facilitate the rear extension of the structure would constitute “works” that are “development” under Section 3(1) of the Planning and Development Act 2000, as amended,
- (b) the existing structure on the site, in a state of some disrepair but not derelict, would not constitute a change of use that is material.
- (c) having regard to the details of the proposed development, as per the plans submitted, and the potential for consequences in planning terms, it would, therefore, constitute development, which development does constitute exempted development.

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that an extension to the rear of the dwelling at Clonghnakeava, Gort, County Galway is development and is exempted development.




Liam Bergin

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 20th day of December 2024.